MYSORE ACT No. VII OF 1911.

THE MYSORE PUBLIC CONVEYANCE ACT, 1911.

(Received the assent of His Highness the Maharaja on the 15th day of May 1911.)

An Act to provide for the Regulation and Control of Public Conveyances in [1][the State of Mysore except Bellary District].

WHEREAS it is expedient to provide for the regulation and control of Public Conveyances in the [1][State of Mysore except Bellary District] ; His Highness the Maharaja is pleased to enact as follows :—

Short title, extent and commencement.

1. (1) This Act may be called "The Mysore Public Conveyance Act, 1911."

(2) It extends to the [1][whole of the State of Mysore except Bellary District].

(3) It shall come into force at once. But nothing herein contained shall affect any power conferred by any law relating to Municipalities or any rule made in exercise of any such power.

Repeal.

2. The Bangalore City Hackney Carriage Act, 1887, is hereby repealed.

Savings.

But all rules made by the Municipal Council of the City of Bangalore under the above Act, which may be in force at the time this Act comes into force shall, so far as they are not inconsistent with this Act, be deemed to have been made under this Act.

Definition.

3. In this Act—

"Public Conveyance."

"Public Conveyance" means any vehicle with two or more wheels which is kept or offered or plies for hire of whatever form or construction and whether drawn by men, horses or other animals.

Application of the Act to Municipalities.

4. The Government may, by notification in the official Gazette, apply this Act to any Municipality within [1][the State of Mysore except Bellary District].

Power of Municipalities to make rules.

When the Act has been so applied to any Municipality, the Municipal Council may, from time to time, make rules for the regulation and control of Public Conveyances

1. See the Mysore Adaptation of Laws Order, 1963.

within the limits of such Municipality in the manner in which, under the law for the time being in force, it makes bye-laws for the regulation and control of other matters within its limits.

Every rule made under this section shall, when confirmed by the Government and published for such time and in such manner as the Government may from time to time prescribe, have the force of law.

Power to make rules for areas outside Municipalities.

5. The Government may, from time to time, make rules for the regulation and control of Public Conveyances in any area outside the limits of a Municipality and such rules, when published for such time and in such manner as the Government may from time to time prescribe, shall have the force of law.

Power of a Municipal Council to extend the operation of the rules beyond the limits of the Municipality.

6. A Municipal Council making rules under this Act may, with the previous sanction of the Government, extend their operation to any railway station or specified part of a road not more than six miles from the local limits of the Municipality.

Matters as to which rules may be made.

7. The rules to be made under Section 4 or Section 5 may, among other matters,—

(*a*) direct that no Public Conveyance, or no Public Conveyance of a particular description, shall be let to hire, or taken to ply, or offered for hire, except under a licence granted in that behalf under this Act or within the limits of the City of Bangalore, under the Bangalore Hackney Carriage Act as in force in the Civil and Military Station, Bangalore;

(*b*) direct that no person shall act as driver of a Public Conveyance except under a license granted in that behalf under this Act or within the limits of the City of Bangalore under the Bangalore Hackney Carriage Act as in force in the Civil and Military Station, Bangalore;

(*c*) provide for the issue of the licenses referred to in clauses (*a*) and (*b*), prescribe the conditions (if any) on which such licenses shall be granted, and fix the fees (if any) to be paid therefor;

(*d*) regulate the description of animals, harness and other things to be used with licensed conveyances, and the condition in which such conveyances and the animals, harness, and other things used therewith, shall be kept, and the lights (if any) to be carried after sunset and before sunrise;

(*e*) provide for the inspection of premises on which any such conveyances, animals, harness and other things are kept;

(*f*) fix the time for which such licenses shall continue in force, and the events (if any) upon which within that time they shall be subject to revocation or suspension;

(*g*) provide for the numbering of such conveyances;

(*h*) determine the times at which, and the circumstances under which, any person keeping a public conveyance shall be bound to let or may refuse to let the conveyance to any person requiring the same;

(*i*) appoint places as stands for public conveyances, and prohibit such conveyances waiting for hire except at such places;

(*j*) limit the rate or fares, as well for time as distance, which may be demanded for the hire of any public conveyance, and prescribe the minimum speed at which such conveyances when hired by time shall be driven;

(*k*) limit the number of persons, and the weight of property, which may be conveyed by any such conveyance;

(*l*) require the owner or person in charge of any such conveyance to keep a printed list of fares in such language as may be prescribed, affixed inside such conveyance in such place as may be determined by the rules, and prohibit the destruction or defacement of such list;

(*m*) require the drivers to wear a numbered badge or ticket and to produce their licenses when required by a Magistrate or other person authorised by the rules in this behalf, and prohibit the transfer or lending of such licenses and badges;

(*n*) provide for the deposit of property found in such conveyances and the payment of a fee by the owner of such property on the delivery thereof to him; and

(*o*) prohibit the employment in Public Conveyances of animals which by reason of disease, infirmity, wound, sore, or other cause are unfit for such employment.

Punishment for breach of rules.

8. (1) Any person breaking any rule made under this Act shall be punished with fine which may extend to fifty rupees.

Licenses when subject to revocatio or suspensio

(2) A license granted under the rules under Section 7 above shall be subject to revocation or suspension upon the happening of any event prescribed by the rules under which the license is granted and, in the case of a license granted by the Municipal Council of the City of Bangalore, also upon the happening of any event upon which it would be so subject under the law in force in the Civil and Military Station, Bangalore.

Fees and expenses.

9. The amount of any fees received and the amount of any expenses incurred in giving effect to this Act shall, in any Municipality, be credited and debited, respectively, to the Municipal Fund and in any other case, to such fund as the Government may, by general or special order, direct.

Decision of disputes between hirer and owner or driver of conveyance.

10. If any dispute arises between the hirer of any public conveyance and the owner or driver of such conveyance as to the amount of the fare payable by such hirer under any rule made under this Act, such dispute shall, upon application made in that behalf by either of the disputing parties, be heard and determined by any Magistrate or Bench of Magistrates within the local limits of whose jurisdiction such dispute has arisen; and such Magistrate or Bench may, besides determining the amount so in dispute, direct that either party shall pay to the other such sum as compensation for loss of time as such Magistrate or Bench thinks fit.

Any sum determined to be due or directed to be paid under this section shall be recoverable as if it were a fine.

The decision of such Magistrate or Bench in any case under this section shall be final.

When any such case is heard by a Bench, any difference of opinion arising between the members of such Bench shall be settled in the same manner as differences of opinion arising between such members in the trial of criminal cases.

Driver to take hirer in conveyance to Court of Magistrate.

11. If, at the time any dispute mentioned in Section 10 arises, any Magistrate having jurisdiction in respect of such dispute is sitting, the hirer of the conveyance, if it is one for the conveyance of passengers, may require the driver thereof to take him in the same to the Court of such Magistrate for the purpose of making an application under that section.

Any driver neglecting or refusing to comply with such requisition shall be punished with imprisonment for a term which may extend to one month, or with fine not exceeding fifty rupees, or with both.

Penalty for injuring conveyance.

12. If any person using a Public Conveyance under this Act wilfully or negligently injures the same, he shall be punished with a fine which may extend to twenty rupees and shall also pay to the owner of the Public Conveyance compensation for the injury, the amount of the compensation to be fixed by the convicting Magistrate, and to be recovered as a fine.